



Panel Participation in the Managed Care Procurement

Medicaid Review Panel

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Roadmap

- Relevant law
- Options for panel members to participate in the managed care procurement
- Questions

Relevant Law

- I.C. § 56-274
 - Medicaid Review Panel
- I.C. §§ 67-9230 and 67-9231
 - Procurement Prohibitions and Penalties

I.C. § 56-274

- Medicaid Review Panel has power to:
 - Review contracts related to Medicaid;
 - Make recommendations on key indicators and performance measures to be included in any Medicaid contract; and
 - Recommend data to be collected as part of the Medicaid contract.
- Your power is to make recommendations and provide oversight, not to make procurement decisions.

I.C. §§ 67-9230 and 67-9231

- State officers and employees can't:
 - Influence (or attempt to influence) the award of a contract to a particular vendor.
 - Conspire with a vendor or vendor's agent to influence or attempt to influence the award of a contract.
- Influence (or attempt to influence) is a misdemeanor.
- Conspiracy is a felony.

Participation in the Procurement

- Your role is to recommend and review, not to:
 - Write procurement documents; or
 - Make procurement decisions.
- The extent of your recommendations and the scope of your review are up to you.
 - However, DHW and DOP are not legally bound to accept your recommendations.
 - The Legislature has options if DHW/DOP ignore recommendations (including refusal to fund a contract).

Participation Options

- Make front-end recommendations for the procurement and otherwise take a hands-off approach. Save any review for post-contract. (Less active)
- Review draft procurement documents on an ongoing basis and make recommendations as needed. (More active)
 - Entire panel.
 - Subcommittee.
 - Assigned individual members.

Blackout Period

- DHW will observe a blackout period beginning December 1, 2026.
- You have no legal obligation to do the same, even if you decide to engage in an active review process.

Questions?

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